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Attorneys for Plaintiffs,
VERONICA GUTIERREZ, ERIN WALKER
and WILLIAM SMITH, on behalf of themselves and
all others similarly situated,

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN WALKER and)
WILLIAM SMITH, as individuals, and on behalf)
of all others similarly situated,)
Plaintiffs,)
v.)
WELLS FARGO & COMPANY; WELLS)
FARGO BANK, N.A.; and DOES 1 through 125,)
Defendants.)

Case No.: C 07-05923 WHA

Judge Assigned: Hon. William H. Alsup
Complaint Filed: November 21, 2007

**WILLIAM SMITH'S RESPONSE TO
SPECIAL INTERROGATORY FROM
WELLS FARGO BANK, N.A.
[SET TWO - No. 8]**

PROPOUNDING PARTY: DEFENDANT, Wells Fargo Bank, N.A.

RESPONDING PARTY: PLAINTIFF, William C. Smith

SET NUMBER: TWO (No. 8)

Plaintiff, William Smith, pursuant to Rule 33 of the Federal Rules of Civil Procedure, hereby
responds to Defendant Wells Fargo Bank, N.A.'s Special Interrogatory as follows:

PRELIMINARY STATEMENT:

This response is made solely for the purpose of, and in relation to, this action. Each response is
given subject to all appropriate objections (including, but not limited to, objections concerning

competency, relevancy, materiality, propriety, and admissibility) which would require the exclusion of any statement contained herein if it were made by a witness present and testifying in court. All such objections and grounds therefore are reserved and may be interposed at the time of trial.

The party on whose behalf the response is given has not yet completed investigation into the facts relating to this action, has not completed discovery in this action, and has not completed preparation for trial. Consequently, the following response is given without prejudice to the responding party's right to produce, at the time of trial, subsequently discovered evidence relating to the proof of facts that are discovered to be material.

Except for facts explicitly admitted herein, no admission of any nature whatsoever is to be implied or inferred. The fact that a request herein has been responded to should not be taken as an admission or concession of the existence of any facts set forth or assumed by such request, or that such response constitutes evidence of any fact set forth or assumed.

RESPONSE TO SPECIAL INTERROGATORY

SET TWO

SPECIAL INTERROGATORY NO. 8:

If YOU dispute the genuineness or accuracy of amount of any of the DEBIT TRANSACTIONS or CREDIT TRANSACTIONS addressed in your responses to Requests for Admissions Nos. 5-8, identify each such transaction that you dispute, identify the aspects of each such transaction (its genuineness or its amount) that you dispute, and state all facts upon which the dispute is based.

RESPONSE TO SPECIAL INTERROGATORY NO. 8:

Objection. Vague and ambiguous as to the meaning of "genuine transaction" and "debit transaction." Without waiving said objection, Plaintiff responds as follows: I do not dispute the accuracy of the amount of any transactions that is the subject of Request for Admissions Nos. 5-8.

DATED: 7/7/08.

McCUNE & WRIGHT, LLP

BY: 

Richard D. McCune
Attorney for Plaintiffs

VERIFICATION

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

I have read the foregoing WILLIAM SMITH'S RESPONSE TO SPECIAL INTERROGATORY FROM WELLS FARGO BANK, N.A. [SET TWO – No. 8] and know its contents.

CHECK APPLICABLE PARAGRAPH

☒

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

☐

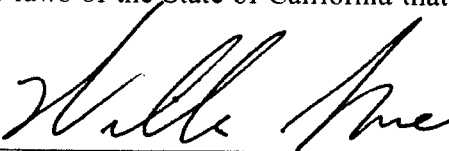
I am an officer/partner/authorized representative of *, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

☐

I am one of the attorneys for *, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I made this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 7-5, 2008, at Yuccaipa, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

X 
WILLIAM SMITH

Case: GUTIERREZ, et al. v. WELLS FARGO BANK, et. al.

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216, Redlands, California, 92374.

On July 7, 2008, I served the foregoing document described as **WILLIAM SMITH'S RESPONSE TO SPECIAL INTERROGATORY FROM WELLS FARGO BANK, N.A. [SET TWO – No. 8]** on the interested parties through their respective attorneys of record in this action, by placing a ☒ true copy or ☐ original thereof enclosed in sealed envelopes addressed as follows:

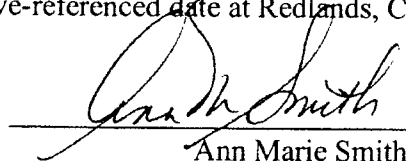
Sonya D. Winner, Esquire
David M. Jolley, Esquire
Margaret G. May, Esquire
COVINGTON & BURLING, LLP
One Front Street
San Francisco, CA 94111
Telephone: (415) 591-6000
Facsimile: (415) 591-6091

Attorneys for Defendants

METHOD OF SERVICE:

- [] (BY MAIL) I am readily familiar with the firm's business practice for collection and processing of correspondence for mailing. Under that practice, I caused such envelopes with postage thereon fully prepaid to be placed in the United States mail at Redlands, California.
- [X] (BY E-MAIL) Pursuant to Agreement of the Parties: By transmitting it to the following individuals by electronic mail:
Sonya D. Winner: SWinner@cov.com
David M. Jolley: djolley@cov.com
Margaret G. May: mmay@cov.com
- [] (BY FAX) I caused such documents to be transmitted by facsimile to the offices of the addressee(s). The facsimile machine reported no error.
- [X] (BY OVERNIGHT DELIVERY) I caused such document to be delivered by overnight delivery to the offices of the addressee(s).

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on the above-referenced date at Redlands, California.


Ann Marie Smith